

**To:** Williams, Laura[williams.laura@epa.gov]  
**From:** Ostrander, David  
**Sent:** Tue 9/15/2015 5:24:10 PM  
**Subject:** RE: Follow-up Items from today's briefing

Please keep working. The R9 questions on Navajo are likely most critical as the hearing tomorrow is with the Indian Affairs committee.

**From:** Williams, Laura  
**Sent:** Tuesday, September 15, 2015 11:23 AM  
**To:** Ostrander, David  
**Subject:** RE: Follow-up Items from today's briefing

David, I've attached the figure for Q9 and updated the response to explain the figure. Do you want me to continue working on the other responses? I have a 12 pm meeting on the Action Memo which will go to 1 or 1:30 so after that will be my biggest chunk of time to work on this. I'll keep working unless you tell me to stop. - lw

**From:** Ostrander, David  
**Sent:** Tuesday, September 15, 2015 6:36 AM  
**To:** Williams, Laura  
**Subject:** Fwd: Follow-up Items from today's briefing

note questions, any help. coordinate with Althea and Steve Calanog.

Sent from my iPad

Begin forwarded message:

**From:** "Cheatham, Reggie" <[cheatham.reggie@epa.gov](mailto:cheatham.reggie@epa.gov)>  
**Date:** September 15, 2015 at 6:03:40 AM MDT  
**To:** "Lee, Eugene" <[Lee.Eugene@epa.gov](mailto:Lee.Eugene@epa.gov)>, "Ostrander, David" <[Ostrander.David@epa.gov](mailto:Ostrander.David@epa.gov)>, "Ruhl, Christopher" <[Ruhl.Christopher@epa.gov](mailto:Ruhl.Christopher@epa.gov)>, "Foster, Althea" <[Foster.Althea@epa.gov](mailto:Foster.Althea@epa.gov)>  
**Cc:** "Woolford, James" <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>, "Irizarry, Gilberto" <[Irizarry.Gilberto@epa.gov](mailto:Irizarry.Gilberto@epa.gov)>  
**Subject:** FW: Follow-up Items from today's briefing

FYI some of these should be fairly straightforward. A few are HQ centric. As you will see, this is a quick turn around.

Thanks

Reggie Cheatham, Director  
Office of Emergency Management  
202-564-8003(w) 202-689-9400(c)

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**From:** Natarajan, Nitin  
**Sent:** 9/14/2015 9:15 PM  
**To:** Cheatham, Reggie; Woolford, James  
**Subject:** Fwd: Follow-up Items from today's briefing

Here's the questions from today's hearing prep. We have another one scheduled for tomorrow so if we could try to collect responses by noon it would be appreciated. The Administrator is also going to do the House Oversight hearing on Thursday so there may be some questions coming out of Wednesday's hearings that we'll need to turn around on Wednesday evening in prep for Thursday's hearing.

Thanks in advance and I'm sure at least one or two aren't going to make sense to you so we can chat about them first thing in the AM. Most are just confirming facts as we know them.

Thanks again all.

N

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Nitin Natarajan

Deputy Assistant Administrator

Office of Solid Waste and Emergency Response

Environmental Protection Agency

202-566-0200 Office

Begin forwarded message:

**From:** <Natarajan.Nitin@epa.gov>

**Date:** September 14, 2015 at 21:11:43 EDT

**To:** Fritz Matt <Fritz.Matthew@epa.gov>, Stacey Mitchell <Mitchell.Stacey@epa.gov>, Vaught Laura <Vaught.Laura@epa.gov>, "Nichole Distefano" <DiStefano.Nichole@epa.gov>, Jonathan Asher <Asher.Jonathan@epa.gov>

**Subject:** Follow-up Items from today's briefing

This is what I captured from today's hearing briefing. I know there's one or two items related to the claims process that I didn't capture.

I'll work the responses with our Superfund and OEM folks and send out responses tomorrow morning. If there's something I missed, please let me know.

Thanks again all.

N

1. What do we do about all of the mines? How do we frame our efforts since 2005 related to GKM and what is our message about the broader legacy mining issues.

2. Send copy of final RFP and highlight key section.

3. Send drinking water paragraph from the draft sampling plan

4. Breakdown of the \$1.1mil paid to ER through 5 September

Cost for ER (which includes both Environmental Restoration LLC and Environmental

Quality Management contracts) have not yet been invoiced for payment but incurred expenses are estimated to be \$1,500,463 through September 5 as follows:

R6 - \$221,000

R8 - \$238,000

R9 - \$1,041,463

5. What's the total cost breakdown NN as opposed to the rest of the response?

6. Are transfers similar to the Sunnyside to GKM transfer common with mines throughout the nation?

In sites that we have worked on in Region 8 it is not uncommon to see various forms of business transactions relating to mine ownership or operations. We have seen these occur at many different times during the life cycle of a mining operation. The exact nature of these agreements vary and appear to be very site specific. From the Superfund perspective, indemnification or hold harmless agreements among PRPs are not a defense to liability under CERCLA. Accordingly, the details of these types of agreements are not something we have tracked.

7. Quick paragraph on the National Mining Team

I would look to the National Mining Team to provide this.

8. Confirm the location of the NN drinking intakes

9. Confirm the location of the Silverton drinking water intake

See attached figure. DW intake 1 provides approximately 60% of DW for Silverton and DW intake 2 provides 40%. Neither is on Cement Creek or the Animas below the Cement Creek confluence.

#### 10. Confirm pre and post plume testing in Silverton

Pre-incident plume testing in Silverton was conducted as part of “other” sampling plans prior to the 8/5/15 incident (not on 8/5). This includes surface water sampling conducted from 2009 through spring of 2015 and 4 sediment samples collected between 2012 and 2015. Post-plume monitoring was conducted on 8/5/15 at 1600, 1915, and 2330 and 8/6/15 at 0615 and 1345 (captured peak of pulse shown on trend graphs) and continued daily from 8/8/15.

#### 11. Confirm if pre-incident was sediment and water or just water.

Pre-incident data includes sediment as well as water.

#### 12. Need to clarify statements on irrigation vs livestock and BIA vs EPA role

#### 13. Can EPA request listing without a state/local request?

EPA can seek to include a site on the National Priorities List without the support of state or local government. As a matter of policy, EPA seeks such support prior to listing a site. One rationale for this policy is that in order to use federal funds for remedial action, CERCLA section 104 (c)(3) requires the state in which the site is located to agree to pay 10% of such remedial action and to provide O&M after the remedy has been implemented.

<http://www.epa.gov/superfund/sites/query/queryhtm/nplstcor.htm>

14. Can NN request a listing in another state?

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Nitin Natarajan

Deputy Assistant Administrator

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